IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.208 OF 2006.
IN

FAMILY COURT APPEAL NO.88 OF 2003

Ratnamala C. Vidhate ..Applicant

versus

Chandrakant B. Vidhate ..Respondent.

Mr.A.A.Garge for the Applicant

Mrs.A.A.Agarwak for the Respondent No.1.

Mrs.Indrayani Koparkar i.b. Shri N.P.Deshpande i/b. U.G.Deshpande for the Respondent No.2

Coram : S.B.Mhase &
S.R.Sathe, JJ.
Dated : 5th October, 2006

P.C.

. Heard both side counsel.

2. This application is filed by the wife to amend the written statement. By this amendment it is proposed that the appellant-husband Chandrakant has contracted second marriage and out of the said wedlock two daughters and a son is born. It has been further disclosed that the name of the said second lady is Hemlata. She has further claimed that inspite of this she is desirous of consuming conjugal relations. Thus, by these pleadings she

want to impress that even though he has contracted the second marriage, she is ready and willing to reside with him and thereby she claims that the application for divorce be rejected. It is submitted by the learned Counsel that this shows the genuine desire of the applicant-wife to resume conjugal relations and further demonstrate that inspite of the ground been available for resumption of marriage in her favour, she is ready to maintain the marital relation and thereby prays for dismissal of the divorce petition filed by the husband. The learned Counsel has submitted that it is necessary to bring on record these facts for the proper appreciation of the relation and conduct of the parties as to whether the party is entitled for the relief as claimed by them. The learned Counsel for the respondent Mrs. Agarwal submitted that the application is belated one and there are no valid grounds stated in the application as to why the said points were not pleaded earlier. The learned counsel submitted that there is equally cross carried out in respect of the illicit relation. However, it is evidently clear that the second marriage been contracted by the husband was not made out in the trial Court and cross from that angle is not carried out. The evidence in that respect is

also not produced on record. The fact that the second marriage has contracted any great information so as to incorporate the said fact is not easily available and existable. Now the applicant wife is posed of this and therefore she has tried to amend her pleading and therefore prima facie it appears to be belated one.

3. However, in order to avoid multiplicity of litigations between the parties and to have complete adjudication of the same, we find it appropriate to allow the amendment of the written statement. Hence the Civil Application is allowed. The applicant-wife is directed to effect the amendment in the written statement immediately.

5. Application disposed of accordingly.

6. Learned Counsel Mrs. Agarwal requested for stay of the matter. However, this matter is part heard matter, hence we do not find it appropriate to grant the stay at this stage and the prayer is rejected.

(S.R.Sathe, J.) **(S.B.Mhase, J.)**